

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LARRY BRACEY,

Plaintiff,

v.

JAMES GRONDIN, *et al.*,

Defendants.

ORDER

10-cv-287-bbc

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In an October 12, 2011 order, Judge Barbara Crabb granted plaintiff Larry Bracey's motions for writs of habeas corpus ad testificandum for inmates Raynell Morgan and Shawn Brooks, but stayed a decision on plaintiff's motion regarding inmate Deshaun Murphy, because plaintiff failed to provide an affidavit indicating that Murphy would attend and testify at trial voluntarily and that he has actual knowledge of facts relevant to the case. Judge Crabb gave plaintiff until October 16, 2011<sup>1</sup> to submit this information.

Now plaintiff has responded—his affidavit states that Murphy has personal knowledge of defendants' alleged excessive force toward plaintiff. However, plaintiff does not indicate whether Murphy would attend and testify at trial voluntarily. Things are muddled further by plaintiff's previous request for the court to issue a subpoena to secure Murphy's and others' attendance (dkt. 103) which he then withdrew, at least to the extent plaintiff sought subpoenas for defendants. Because it is not entirely clear what plaintiff would like the court to do regarding Murphy's attendance at trial, I will give plaintiff a very short time to report: (1) whether Murphy is willing to testify voluntarily; and (2) whether plaintiff would like the court to issue only a writ

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<sup>1</sup> This deadline was inadvertently set for a Sunday. Because plaintiff responded on Monday, October 17, 2011, the response is timely.

of habeas corpus ad testificandum for Murphy's attendance, or both a writ of habeas corpus ad testificandum and a subpoena.

ORDER

It is ORDERED that plaintiff Larry Bracey may have until noon on October 21, 2011 to respond to this order regarding witness Deshaun Murphy's attendance at trial as detailed above.

Entered this 18<sup>th</sup> day of October, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge